

Appl. No.: 10/596,309  
Amdt. dated September 23, 2008  
Reply to Office Action of March 24, 2008

### **REMARKS/ARGUMENTS**

Claims 1-4 and 6-16 are pending after entry of the above amendments. Claims 1-4, 6, 12-14, and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,986,576 to Armstrong. Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong. Claims 5 and 7-11 were rejected as being unpatentable over Armstrong in view of U.S. Patent Application Publication 2006/0255954 to Sorenson, Jr. et al. and further in view of U.S. Patent No. 5,964,444 to Guertler.

#### **Response to Rejections**

The Office Action asserted that Armstrong discloses a light assembly 10 comprising a pole having a plurality of inter-engagable sections 24 and 34 located end-to-end to form the pole (Figures 1 and 2), and a light attached at an operatively upper end of the pole (12, 14, and 16).

Applicant respectfully submits that Armstrong's pole consists of only one section 24 or 27, whereas item 34 in Armstrong is a "pole-receiving device" whose purpose is to "allow for height adjustment and stability of the portable signal device 10" (col. 7, lines 11-12). Armstrong's pole-receiving device 34 essentially forms part of the foot or base 30. The pole 24 or 27 is inserted at varying depths into the pole-receiving device 34 to vary the height of the signal device. Because Armstrong's portable signal device does not include a pole having a plurality of sections as claimed in Claim 1, the rejections under 35 U.S.C. 102(b) are submitted to be erroneous.

Additionally, Applicant has amended Claim 1 to include the features of original Claim 5, namely, each section of the pole includes a neck and collar formation on one end and a complementary shaped first inner blind bore on an opposite end for receiving the neck of an adjacent section. Armstrong's pole-receiving device 34 does not include a neck and collar formation, nor does the pole 24 or 27. Accordingly, the rejections of Claims 1-4, 6, 12-14, and

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16 under 35 U.S.C. 102(b) based on Armstrong have been overcome, and withdrawal of the rejections is respectfully requested.

With respect to Claim 2, the Office Action asserted that Armstrong discloses a pole having a light connector 64 at an upper end thereof. However, Claim 2 as amended requires the light connector to comprise a housing wherein a default light is housed and wherein the pole sections are secured. Item 64 of Armstrong is a collar located under the head 11 for connecting the head to the pole 24 or 27 (col. 6, lines 14-19). The collar 64 does not comprise a housing wherein a default light is housed and wherein the pole sections are secured. For these additional reasons, Claim 2 is not anticipated by Armstrong.

With respect to Claim 6, Applicant has amended the claim to more particularly point out that the pole sections each has a first bore in a main body of the section and a second bore in the neck formation so that the assembled pole includes a passage therethrough. Armstrong discloses only one bore in each of the pole 24/27 and the pole-receiving device 34, since each of these parts is a simple cylindrical tube. For these additional reasons, Claim 6 is not anticipated by Armstrong.

Regarding the rejections under 35 U.S.C. 103(a), Claim 15 includes the features of Claim 1, which as already explained are not disclosed or suggested by Armstrong. Accordingly, for at least the same reasons as given above for Claim 1, Claim 15 likewise is patentable over Armstrong.

With respect to Claim 5 (whose limitations are now included in amended Claim 1), the Office Action acknowledged that Armstrong fails to disclose any pole sections having complementary neck and collar formations on one end and complementary shaped first blind bores on the other end, as claimed. However, the Office Action asserted that these features are disclosed by Guertler, and that it would have been obvious to combine Armstrong and Guertler

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so that Armstrong's portable signal device has the parts (24 and 34) connected by engaging a neck and collar on one part in a blind bore on the other part.

Applicant respectfully disagrees that Guertler and Armstrong would have been combined in this manner. Armstrong specifically indicates that he has two major objectives in providing the pole 24 or 27 and the pole-receiving device 34: (1) height adjustability, and (2) stability (col. 7, lines 2-12). Significantly, a substantial portion of the length of the pole 24 or 27 must be received in the pole-receiving device 34 in order to provide the desired stability (col. 7, lines 9-12). Height adjustability is achieved by using the height-adjustable pole 27, which has a series of aligned pairs of holes any of which can be aligned with a pair of holes in the pole-receiving device 34 and secured by a pin passing through the aligned pairs of holes. Given these objectives of Armstrong, it would be contrary to Armstrong's purposes to modify his pole 24/27 and pole-receiving device 34 to include the claimed neck/collar and complementary shaped blind bore, since these features would prevent the desired height adjustability and/or stability that Armstrong seeks.

It is also important to recognize that Guertler's breakaway cap 100 comprises a separate section that "permits the separation of the traffic light housing 130 from the mounting pole 122 in the event that the traffic light housing 130 is struck by a vehicle" (col. 4, lines 15-18). Thus, Guertler's cap 100 has nothing to do with connecting together two pole sections, and for this additional reason, Guertler's cap 100 would not have given the slightest suggestion to the person of ordinary skill in the art to modify the connection between Armstrong's pole 24 and the pole-receiving device 34, where the break-away function of Guertler's cap 100 has no applicability to Armstrong's purposes.

For these reasons, it is respectfully submitted that Guertler and Armstrong would not have been combined as asserted in the Office Action (and even if combined, would still fail to teach the invention of Claims 5 and 7-11), and hence the rejections based on that alleged combination are erroneous. Accordingly, Applicant respectfully requests withdrawal of the rejections.

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With respect to Claims 7 and 8, the Office Action asserted that while neither Armstrong nor Guertler discloses a securing line to be tightened in an axial direction to secure the sections of the pole together, it would have been obvious to modify the combination of Armstrong and Guertler to have such a securing line because those skilled in the art would understand that various ways can be used to secure together pole sections. Applicant respectfully disagrees that the securing line would have been obvious. As already explained, Armstrong does not even disclose a pole formed by multiple sections secured together in the claimed manner, nor does Guertler, and hence there would be no reason to modify Armstrong's pole 24/27 and pole-receiving device 34 to have the claimed securing line. Furthermore, the securing line has utility for securing together pole sections that fit together via necks engaged in complementary blind bores as claimed, and it has already been pointed out that Armstrong and Guertler would not have suggested such an arrangement. Thus, there would not have been any reason to use the claimed securing line with Armstrong's pole assembly.

With respect to Claim 9, the Office Action asserted that item 35 of Armstrong corresponds to one of the lip formations of the light connector and item 64 of Armstrong and item 200 of Guertler corresponds to the other lip formation as claimed. Applicant respectfully submits this is incorrect. Item 35 of Armstrong is a recess in the pole-receiving device 34, while item 64 is a connection collar located under the head 11; item 200 of Guertler is part of the break-away cap 100. None of these parts defines any "downwardly and upwardly facing channel sections for receiving lugs at the rear of a traffic light therein" as required by Claim 9.

Regarding Claim 10, Applicant has amended it to recite "an adaptor connectable to the light connector, the adaptor having a number of sockets for receiving lights in the sockets, and wherein the adaptor is securable at any position about the cylindrical section." Armstrong and Guertler fail to disclose an adaptor securable at any position about the cylindrical section as claimed.

Finally, regarding Claim 11, the Office Action apparently acknowledged that Armstrong and Guertler fail to disclose a light assembly in which the base and cylindrical section are axially

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movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations. However, the Office Action asserted it would have been obvious to modify the Armstrong/Guertler device so that the base and cylindrical section are axially movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations, because Armstrong and Guertler suggest alternative structures may be used for connecting the pole and one skilled in the art would readily understand that the different pole sections may be joined in various ways and means including the sections being fastened in the axial direction at one or both ends as it is conventional method of joining adjacent section of poles and pipes in various arts, wherein, any part including the base and cylindrical section may be axially movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

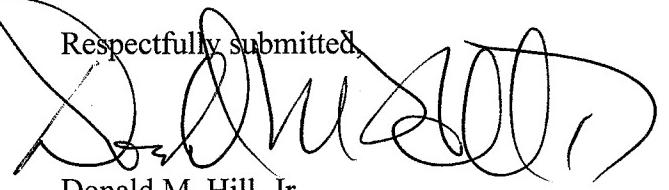
This alleged motivation to modify the prior art is nothing more than a regurgitation of Applicant's claim language, and does not cite any objective reason or motivation *from the prior art* for modifying the prior art to correspond to what is claimed. The rejection is based entirely on hindsight, in light of Applicant's own disclosure. Therefore, in addition to the above-noted reasons why Armstrong and Guertler fail to disclose the invention of Claim 1 or the invention of Claim 9 (from which Claim 11 depends), the references further fail to teach or suggest the invention of Claim 11 because they wholly fail to suggest the relatively movable base and cylindrical section as claimed.

### Conclusion

Based on the above amendments and remarks, Applicant respectfully submits that all pending claims are patentable over the cited references, and the application is in condition for allowance.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,  
  
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